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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/652,116	08/29/2000	James D. Barnette	BARNETTE 2-2	2342
27964	7590	10/24/2003	EXAMINER	
HITT GAINES P.C. P.O. BOX 832570 RICHARDSON, TX 75083			GHULAMALI, QUTBUDDIN	
			ART UNIT	PAPER NUMBER
			2631	

DATE MAILED: 10/24/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/652,116

Applicant(s)

BARNETTE ET AL. *sf*

Examiner

Qutub Ghulamali

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-27 is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08/29/2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: Page 37, line 11, recites "and the selection stage 410 is coupled to an oscillator TG1." whereas the drawing in Fig. 4. shows TG1 is coupled to Front end 401.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Paulos et al (US Patent 6,208,671).

Consider claims 1-14, Paulos et al teaches a resampler (figs. 3, 4, 5), a sample rate converter comprising an interpolation filter, a resampler, and a decimator connected together, the interpolation filter receives as input the signal A (n) having a first sample rate, the interpolation filter unsamples the sample rate of the sample to a sample rate Uf_{s1} , where the variable upsampling factor U is directly related to the ratio of F_{s2}/F_{s1} , the interpolation filter then performs interpolation between samples values of the signal, provides an output, In synchronous

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sample rate conversion, an input digital signal, which has a sample rate F_{s1} is provided as input to an interpolator, the interpolator interpolates the input digital signal by an integer factor U to increase the sample rate to that of the least common multiple (LCM) rate of the two sample rates, F_{s1} and F_{s2} , the interpolator 502 consists of (fig. 12) multiplexer 1207, adder 1206, delay 1202, multiplexer is controlled by a clock signal rate which alternately allows the output of either FIFO buffer 501 or its delayed version to pass through as the output of multiplexer 1201, the decimation filter stage configured to filter output sample rate, the decimation filter downsamples the predetermined sample rate DF_{s2} to the second sample rate F_{s2} (col. 1, lines 29-60; col. 2, lines 7-50; col. 3, lines 1-28; col. 12, lines 57-67; col. 13, lines 1-15).

Allowable Subject Matter

4. Claims 15-27 allowed.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dholakia et al (US Patent 6,389,064), Christopher et al (US Patent 5,351,087), Peeters et al (US Patent 6,628,738) and Ma et al (US Patent 5,748,126) provide information related to multicarrier transmission and echo cancellation.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qutub Ghulamali whose telephone number is (703) 305-7868. The examiner can normally be reached on Monday-Friday from 8:00AM - 5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammed Ghayour can be reached on 703 306-3034. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-4750.

QG.
October 20, 2003


DON N. VO
PRIMARY EXAMINER